

SAN JOSE APPEALS HEARING BOARD MINUTES
THURSDAY, OCTOBER 8, 2015
6:30 P.M. COUNCIL CHAMBERS

1. The meeting of the San Jose Appeals Hearing Board convened this date at 6:34 p.m., Council Chambers, City Hall, with the following members in attendance: Chair David Parker, Vice Chair Ron Cabanayan, Commissioners Rajwant Bains, Andrew Ditlevsen, Timothy Kenny and Robyn Shearin. Commissioner Karen Parsons was absent.

Staff Present:

Roger Beaudoin, Code Enforcement
Karla Cáceres, Code Enforcement
Moe Kumre, Santa Clara County Hazardous Vegetation Program
Regina Mancera, Acting Appeals Hearing Board Secretary
Russell Hansen, Department of Transportation
Tony Gonzalez, Code Enforcement
Todd Waltrip, Code Enforcement
Rita Tabaldo, Code Enforcement
Rosa Tsongtaarii, Senior Deputy City Attorney
Robyn Zamora, Department of Finance

2. **Approval of Minutes**

Chair Parker read a statement to the public regarding the general procedures for the hearings and requested that speakers submit a speaker's card for the item they wish to speak on. Commissioner Kenny made the motion and Commissioner Parker, second the motion, Commissioner Bains abstained, to approve the minutes of August 27, 2015 following confirmation by the Secretary of the time for when the last meeting ended, and revision if applicable.

3. **Requests for Deferrals**

4. **Public Hearings**

- a. **66 South 6th Street (467-24-034) Summary Abatement**
(Tony Gonzalez, Inspector / Douglas K & Norman F Watt, Nationstar Mortgage, LLC, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement to secure, on two separate dates (6/22/15 & 6/29/15), a total of two (2) window openings and five (5)

door openings to prevent unauthorized entry. Recommendation: To affirm the summary abatement action as set forth in the staff report.

b. 2842 Dennywood Court (654-48-010) Summary Abatement
(Tony Gonzalez, Inspector / Meredith G. Davis, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement to have the crowns of the two (2) overgrown trees raised and reduced to eliminate the fire hazard, to eliminate the attraction for vector and to eliminate the obstruction from the public right of way. Recommendation: To affirm the summary abatement action as set forth in the staff report.

There was a motion by Commissioner Bains, seconded by Commissioner Shearin to approve the recommendations on Consent Calendar for the properties located at 66 South 6th Street and 2842 Dennywood Court.

AYES: Bains, Kenny, Parker, Shearin, Cabanayan and Ditlevsen
NAYS:
ABSENT: Parsons

c. 739 West Julian Street (261-01-094) Summary Abatement
(Tony Gonzalez, Inspector / Speno Enterprises, LP, Anthony Speno/Property Owners)

Code Enforcement Inspector Tony Gonzalez gave a summary of the inspections at the subject property and the City found it necessary to secure fifteen (15) windows and twenty-five (25) door openings on the property due to transients occupying the property.

Inspector Gonzalez stated that on four (4) different occasions 6/20/15, 6/25/15, 7/14/15 and 7/31/15, he made an inspection of the property and it was occupied by transients. On several occasions he called and left messages for Anthony Speno. On one occasion he was able to make contact with a person informing them of the situation. Inspector Gonzalez never received a call back or message from Anthony Speno or representing party.

Damien Speno, representing Anthony Speno and Speno Enterprises, LP stated that he did receive a message from his office manager and immediately contacted Inspector Tony Gonzalez. He states that he left several messages, but never got a call back. Damien Speno said the property is locked up and secure, but transients keep breaking in. He was on vacation for a week and in one (1) week, the transients made lots of damages on/to the property, so he has hired security to keep an eye on the property.

There was a motion by Commissioner Bains, seconded by Commissioner Parsons, to uphold the abatement action taken by the City to secure the property at 739 West Julian Street to prevent unauthorized entry.

AYES: Bains, Kenny, Parker, Shearin, Cabanayan and Ditlevsen

NAYS:

ABSENT: Parsons

5. Deferred and/or Continued Items

6. Public Hearings

a. Weed Abatement

Public Hearing to consider the adoption of a Resolution to confirm the Hazardous Vegetation Program Assessment Report of the costs and expenses incurred to abate weeds during the 2015-2016 season and to authorize the direct placement of the costs and expenses as a special assessment against the affected properties.

Mr. Moe Kumre, Weed Abatement Coordinator for the Department of Agriculture for the County of Santa Clara, gave a summary of the County's weed abatement process and stated that the property owners were given an opportunity to correct the public nuisance on their property and that after March 15, 2015, if the property failed an inspection, the owners were responsible for the abatement work, charges and administrative fees associated with the work.

There was a motion by Commissioner Kenny, seconded by Commissioner Cabanayan to order as follows:

To confirm the Hazardous Vegetation Program Assessment Report, and to authorize a special assessment against the affected properties.

AYES: Bains, Kenny, Parker, Shearin, Cabanayan and Ditlevsen

NAYS:

ABSENT: Parson

b. Administrative Remedies

Public hearing to adopt a resolution confirming the report of delinquent administrative remedy cost from the Director of Finance concerning the

delinquent administrative penalties and cost for the accounts that have remained unpaid at the close of the business day on October 8, 2015 at 5:00 p.m.

There was a motion by Commissioner Cabanayan, seconded by Commissioner Bains to order as follows:

To confirm the report of delinquent administrative remedy penalties and costs, for the accounts that have remained unpaid and to direct staff to place a lien against the properties to be recorded with the Santa Clara County Clerk-Recorders Office.

AYES: Bains, Kenny, Parker, Shearin, Cabanayan and Ditlevsen

NAYS:

ABSENT: Parsons

c. Abatement Lien

Public Hearing to consider the adoption of a resolution confirming the report from the Director of Finance concerning the delinquent abatement costs and place a special assessment lien against the property accounts that have remained unpaid at the end of the business day October 8, 2015 at 5:00 p.m.

There was a motion by Commissioner Bains, seconded by Commissioner Shearin to order as follows:

To confirm the report of delinquent abatement costs, and to place a lien against the properties listed in the report to be recorded with the Santa Clara County Clerk-Recorder's Office.

AYES: Bains, Kenny, Parker, Shearin, Cabanayan and Ditlevsen

NAYS:

ABSENT: Parsons

d. Delinquent Tree Lien

Public Hearing to consider the adoption of a resolution confirming the report from the Director of Finance concerning the delinquent tree violations costs for the accounts that have remained unpaid at the close of the business day October 8, 2015 at 5:00 p.m.

Robyn Zamora from the Finance Department requested the removal of:

- Yeping Zhao, Ting Wang Account# 193261
- Cucuzza Family Partnership Account# 226386
- Robert, Maria, Roberto Vargas Account# 187015

- Juan & Bertha Tejada Account # 226490

Robyn Zamora from the Finance Department requested to amend:

- Harry T. Beaken III Trustee, Aurora A. Beaken Trustee, Beaken Family Trust Account# 226909, balance of \$ 49.28

There was a motion by Commissioner Kenny seconded by Commissioner Bains to confirm the report of delinquent tree violation costs, and to place a lien against the properties listed in the report to be recorded with the Santa Clara County Clerk-Recorder's Office.

AYES: Bains, Kenny, Parker, Shearin, Cabanayan and Ditlevsen

NAYS:

ABSENT: Parsons

e. Neglected Vacant House Registration Cost Lien

Public Hearing to adopt a resolution confirming the report of delinquent neglected vacant house registration costs for the accounts that have remained unpaid as of September 16, 2015, and to place a lien against the property to be recorded with the Santa Clara County Clerk-Recorder's Office.

This item was not considered by the Board at the meeting. Staff may request that the item be agendaized at a future Board meeting provided there is additional information regarding the authority to place a special assessment lien for delinquent neglected vacant house registration costs.

7. Request for Excused Absence

8. Other Business

9. Open Forum - Oral Communication from the Public

10. Adjournment

There was a motion by Commissioner Shearin, seconded by Commissioner Kenny to adjourn the meeting. Chair Parker adjourned the meeting at 7:01 p.m. The meeting scheduled for October 22, 2015 at 6:30 p.m. has been cancelled. The next regular meeting will be held November 12, 2015 at 6:30 p.m. in the City Hall Council Chambers.